

MINUTES

The Tennessee State Board of Cosmetology held a meeting on August 6, 2007 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, H. D. Adcock, Vice Chairman, June Huckleby, Janet Wormsley, Hazel Moore, Muriel Smith and Judy Golden. Lee Bowles was not present.

Others present were: Beverly Waller, Executive Director, Allison Cleaves, Staff Attorney and Debbie Gean, Administrative Assistant I.

Chairman Linda Colley called for roll call.

MINUTES

MOTION was made by Ms. June Huckleby and seconded by Ms. Judy Golden to accept the minutes from the June 4, 2007 board meeting. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Cynthia Dean and Deanna Rogers – Entity – Present. Ms. Dean and Ms. Rogers are present at the meeting to present a low odor product for nails, for the board to consider, for the candidates to use at the manicurist examinations.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. June Huckleby to approve any odorless or low odor product without MMA and add this product to the list for the examination at PSI. Motion carried unanimously.

ADMINISTRATIVE REPORT

A new cosmetology school license application was submitted by The Salon Professional Academy, 2710 Old Lebanon Rd., Nashville, Tennessee. A completed application with required fee, floor plan, surety bond, the salon professional academy catalog and twenty-seven (27) enrollment applications for students was submitted. Some of the enrollment applications are not signed, Ms. Waller counted and twenty (20) are signed and the ones that are not signed were possibly completed on the web site. Once the board has voted for the board member and inspector to visit the school Ms. Waller is requesting the board grant permission to the board member if the school is found to be in compliance, approval to open is given at the date of inspection. The Board will not be meeting in the month of September and Ms. Waller stated she would not want to hold up opening of the school for that reason.

Mr. and Mrs. Woods were present at the board meeting. They would like to open the school by September 18, 2007, if possible.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to accept the application and whatever decision the board member decides to allow school to open. Ms. Linda Colley, Chairman of the Board will inspect the school. Motion carried unanimously.

A Cosmetology School application for a change of ownership for the Pyramid Beauty School was submitted to the board office. The change of ownership is from Lois Bryant to Lois Bryant and Cleo Bryant.

MOTION was made by Ms. June Huckleby and seconded by Mr. H. D. Adcock to accept the change of ownership. Motion carried unanimously.

Institute of Hair Design is requesting approval to offer the instructor curriculum at their school. They did enclose scheduled dates for the program, copy of the proposed curriculum and instructor information.

MOTION was made by Ms. Judy Golden and seconded by Mr. H. D. Adcock to approve the instructor curriculum. Motion carried unanimously.

A letter from Chattanooga State Technical Community College advising the board of their plans to offer classes in esthetics and manicuring starting the fall semester of 2007 was received in the office. The board does not regulate, therefore board approval is not required. This is just a notification.

Miller-Motte Technical College in Chattanooga, Tennessee is requesting approval to offer the instructor curriculum in their cosmetology program. They included names of the instructors for the class.

MOTION was made by Ms. June Huckleby and seconded by Ms. Janet Wormsley to approve the instructor curriculum. Motion carried unanimously.

A letter from Tennessee Technology Center at Oneida/Huntsville was received in the office stating they are moving their cosmetology program from the Scott High School Campus, across the street to their Huntsville Campus. For the past seven years they have used the high school cosmetology facility at night and the high school students used the same space in the day. The sharing of space has been difficult and the change will improve student access and quality instruction. We do not regulate therefore no board approval is required.

Evaluations summary for the Barber & Cosmetology Instructor Seminar held at the University of Memphis campus June 10-11, 2007 were received in the office. Also, Knoxville held a very successful seminar and they have already sent the dates for the 2008, 2009 and 2010 seminars.

A request from Reta McDaniel who is currently licensed as an instructor in Tennessee but works and is licensed as an instructor in Kentucky. Ms. McDaniel is

requesting approval of continuing education hours required by the Kentucky State Board of fourteen (14) hours each year for required continuing education hours in Tennessee. She attended fourteen (14) hours in 2006, fourteen (14) hours in 2007, fifty-eight (58) hours in specific esthetics classes. Ms. McDaniel recently attended NACCAS accreditation workshop in Las Vegas for twenty-three (23) hours. Ms. McDaniel would like to request the board approval of these hours as hours required in Tennessee for 2007.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to approve the hours. Motion carried unanimously.

Request from Jacqueline Suzanne Birchall for an extension from her required attendance of the 2007 instructor seminar due to medical reason was sent to the board. Physician's statement attached.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Judy Golden to approve the request. Motion carried unanimously.

Request from Claudia D. Elliott for the board to reconsider their decision in 2006 of declining to grant her an extension from her required attendance of the 2006 instructor seminar was received in the office. In the board's decision no physician statement was provided only that financial distress did not allow her to go. The board was presented a payment history of license renewal.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Hazel Moore that the motion at the last meeting to remain. Motion carried unanimously.

Request from Sherita Broom for extension from her required attendance of the 2006 instructor seminar due to two family members died, children needed her at home and she was unemployed and could not afford to attend seminar.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Judy Golden that Ms. Broom's license will remain as inactive instructor. Motion carried unanimously.

Request from Carmen Deloras Price asking for an extension her required attendance of the 2006 instructor seminar due to illness of father which is detailed in her letter to the board.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to deny the request. Motion carried unanimously.

Request for approval to take the Tennessee cosmetology examination with 1,600 hours obtained at Paul Mitchell the School in San Diego, California from Bridget Lynn Murphy. Proof of training provided for verification of hours. California does not provide certification of student hours.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to accept the request for approval. Motion carried unanimously.

Request for approval to take the Tennessee cosmetology examination with 1,600 hours obtained at Flavio Beauty College in California from Laura Anne Gasser. Proof of training provided for verification because California does not provide certification of hours.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Janet Wormsley to accept the request for approval. Motion carried unanimously.

Request from Jacqueline Capps for approval to transfer some or all of the hours she has in the manicuring curriculum in Florida (240) to the cosmetology curriculum she has enrolled in Tennessee. Students are permitted to transfer 150 general manicurist hours to cosmetology from Tennessee curriculums.

MOTION was made by Ms. Judy Golden and seconded by Mr. H. D. Adcock to accept 150 hours to apply towards her cosmetology curriculum. Motion carried unanimously.

Application for reciprocity of esthetician license from the State of Florida listed as full specialist license from Katrina Trang Ly. Education is 500 hours of instruction at Academy of Health Beauty Inc. and certification states no state board examination required. Initial license issued January 17, 2007.

MOTION was made by Ms. Judy Golden and seconded by Ms. Hazel Moore to return to school for 250 more hours then take and pass the esthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of esthetics license from Rhode Island from Nicole Fulvi was received in the board office. Education is 600 hours of instruction and passage of a state board written and practical examination. Initial license issued February 16, 2007.

MOTION was made by Ms. Judy Golden and seconded by Mr. H. D. Adcock to have Ms. Fulvi return to school for an additional 150 hours and take the examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of esthetics license from California from Mary-Anne Ward was received in the board office. Education is 600 hours of instruction and passage of a state written and practical examination. Initial license issued May 31, 2006.

MOTION was made by Ms. Judy Golden and seconded by Mr. H. D. Adcock to have Ms. Ward return to school for an additional 150 hours and take the examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology instructor license from Missouri for Margie Lyons was received in the board office. The State of Missouri requires 1,500 hours for the Class CA- Hairdressing and Manicuring and her certifications states hours earned 1,445 with 600 instructional hours. She has been licensed as a cosmetologist since 1954 and licensed as an instructor since 1965 and she also was a cosmetology school owner of Duvarados Academy of Hair Design for several years in the State of Missouri. She does volunteer work.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to grant reciprocity. Motion carried unanimously.

Application for reciprocity of esthetics and manicurist license from Florida for Cheryl Ann Dozier was received in the board office. Florida license is listed as full specialist with 500 hours of instruction and no state board examination. Initial license issued May 10, 2006. Full specialty license is a combination of nail and facial registration.

MOTION was made by Ms. Judy Golden and seconded by Mr. H. D. Adcock to take the remaining hours and take and pass the examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of manicurist license from Maryland for Virginia Barnhart was received in the board office. Education is 250 hours with written and theory examination. No recent and consistent five year work history. She worked in salon from 1990-1998. No recent and consistent five year work history. She stated she has continued to keep up her skills by performing nail services on mother and others.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Judy Golden to have Ms. Barnhart return to school for her remaining hours and take and pass the examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license from Colorado for Crystal Dickerson was received in the board office. Education is 1,450 hours. Submitted work history but it is not a recent and consistent five year work history. Work history 2005, 2006. Initial license issued 2005.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Judy Golden to a grant Ms. Dickerson reciprocity. Motion carried unanimously.

Application for reciprocity of cosmetology license from New Jersey from Jessica Gunter was received in the board office. Education is 1,000 hours of instruction at the Atlantic County Vocational School. She provided certifications from New Jersey and Louisiana and licenses are expired. She stated in her letter that she has held a license in New Jersey, New York, North Carolina and Louisiana but she does not have a valid license in any of the states at this time.

MOTION was made by Ms. Hazel Moore and seconded by Mr. H. D. Adcock to deny reciprocity unless she can send in proof of an active license from Louisiana. Motion carried unanimously.

Request to obtain natural hair styling license in Tennessee from Khady Camara from Thies which is located in Senegal. Certificate states she attended Hair Styling Saloon Rouguy Sy and passed the study cycle of 1,650 hours. She also has a diploma for completion of 20 hours of hair braiding in Florida.

MOTION was made by Ms. Hazel Moore and seconded by Mr. H. D. Adcock to have Ms. Camara present a five (5) year work history and bring back before the board. Motion carried unanimously.

Application for reciprocity of cosmetology license from Connecticut for Bao Van Huynh. Memo attached stated April 1997 Mr. Huynh bought hours from artistic nail academy in Florida. The Tennessee board was advised when the applicant applied for reciprocity at that time. Applicant now has certification from State of Connecticut for 1,500 hours of instruction and passage of an examination which he obtained a Connecticut Cosmetology license. Connecticut license was issued January 4, 2000 with expiration date of June 2006. Certification from Florida for initial cosmetology license issued April 12, 2001 and expiration date October 31, 2008.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to grant reciprocity. Motion carried unanimously.

Same as number 25 application for reciprocity of cosmetology license from Connecticut for Hong My Thi Le. State of Tennessee was advised by the Florida Board in 1997 that applicant purchased hours from Artistic Nail Academy in Florida. The applicant has applied for reciprocity of cosmetology license to Tennessee with certification of 1,500 hours in the cosmetology curriculum in Connecticut. Has a valid Florida Cosmetology license.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to grant reciprocity. Motion carried unanimously.

Application for reciprocity of cosmetology license from Belarus for Natallia Bell was previously presented to the board. After reviewing her documents the board voted she would be required to take and pass the State of Tennessee cosmetology examination to qualify for license. Transcript give dates of attendance as 1973 to 1977 and she accumulated 5,246 hours. She has now obtained a transcript of hours when she attended the Minks Technology College and she would like the board to review and reconsider the previous decision that she take and pass the examination.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to stick with the decision to have Ms. Bell take the examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Ms. Waller stated she received an e-mail from a concerned licensee about cosmetologist using the straight razor on a clients head. She disagrees because she feels cosmetologist have had no training in the procedure.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Janet Wormsley that the decision to use a straight razor remains. Motion carried unanimously.

Review of documents found files during school inspections for proof of high school diploma. Debbie who processes applications said if these documents have a seal or red writing we would accept for proof of high school education.

Request was received from Debbie Caplenor for the board to renew her license that has been expired for over 3 years. Ms Caplenor stated she went thru divorce in 2003, lost her mother and moved. She did not receive renewal notice due to the move. State mail is not forwarded. Ms. Waller advised Ms. Caplenor she would be required to pass the state board reinstatement examination to obtain her license because her license has been expired for three (3) years. She was not pleased with Ms. Waller's answer and requested she present her request to the board for consideration. Cosmetology Laws and Rules state "A license which has lapsed for three (3) years or longer shall not be reinstated, unless the applicant passes the state law and practical examination.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Hazel Moore that Ms. Waller's decision is correct due to the law. Motion carried unanimously.

The Proposed Amendments to the Bylaws of the National-Interstate Council of State Boards of Cosmetology, Inc were presented to the board. Proposed amendments concern term of office. These will be voted on at the annual conference in Rapid City, SD. in August.

The board is preparing for examination review with PSI Ms. Waller has provided the board with the pass/fail percentages for each examination site for all examinations administered by PSI for the cosmetology board. These percentages are from January 1, 2007 to June 30, 2007.

News letter from Tennessee Cosmetology Association were in the board packets.

Copies of correspondence from June board meeting were in the board packets.

ITEMS FOR REVIEW SUBMITTED AFTER BOARD PACKETS MAILED-

An application for reciprocity cosmetology license from Florida for Candace Lynn Roberts was received in the board office. Certification from Florida state 1,000

hours of instruction in the cosmetology curriculum and initial license issued March 18, 2005. No five year work history. Ms. Roberts submitted work history for 2006.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Muriel Smith to have Ms. Roberts return to school for an additional 500 hours and take and pass the examination to become licensed in the State of Tennessee. Motion carried unanimously.

A request for extension from the 2006 instructor seminar from Cynthia Jones was received in the board office. She stated in her letter her husband had a major operation in 2006, due to financial difficulty she had to seek employment outside of the cosmetology field. Therefore, she could not afford to attend nor did she have the time off available at her new job. The board office shows no record of receiving a request from her to place her instructor status on inactive.

MOTION was made by Ms. Hazel Moore and seconded Mr. H. D. Adcock to deny the request. Motion carried unanimously.

An application for reciprocity of esthetics license from Texas for Tracy Holcomb was received. She obtained 600 hours in the esthetics curriculum with initial license August 11, 2003. She provided proof of employment of three (3) years. No five year work history.

MOTION was made by Ms. Judy Golden and seconded by Mr. H. D. Adcock to have Ms. Holcomb return to school for an additional 150 hours and take and pass the examination to become licensed in the State of Tennessee. Motion carried unanimously.

A request for extension from her required attendance of the 2006 cosmetology instructor seminar from Stephanie Winston was received in the board office. Ms Winston states she was going thru a divorce which resulted in a domestic violence situation and she had to leave her home. She did not receive renewal notice or seminar information. She has submitted supporting documents for your review.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Muriel Smith to have Ms. Winston appear before the board. Motion carried unanimously.

A request from Clarinda Cornett to have esthetician placed on her cosmetology license. She obtained license in Tennessee by reciprocity from Kentucky in 1998. She feels the board should allow her to be grandfathered in as an esthetician because she was licensed in Kentucky several years prior to obtaining license in Tennessee. Ms. Waller asked if her license in Kentucky were for cosmetology and esthetician and she said no. Grandfathering for estheticians in Tennessee was for a cosmetologist license on or before August 31, 1987. Also Kentucky now requires 1,000 hours in the esthetics curriculum. She requested this be presented to the board.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to deny the request. Motion carried unanimously.

Evaluations from the Knoxville barber and cosmetology instructor seminar was in the board packets for the board members to review.

A request for extension from her required attendance of the 2007 cosmetology instructor seminar for Christie Rademacher was presented to the board. Ms. Rademacher stated she was not able to attend the August 12 & 13 instructor seminar due to the time of year and school starting for her three (3) children. The Board previously granted her an extension from the 2005 instructor seminar with instructions she was to attend 2006 and 2007.

MOTION was made by Ms. Hazel Moore and seconded by Ms. June Huckleby to deny Ms. Rademacher request for extension from the 2007 seminar. Motion carried unanimously.

A request from Tamara McCray for board approval to transfer 79 hours she obtained in addition to the required 1,200 required by Florida in the cosmetology curriculum. She has enrolled in Lyles Cosmetology School and would like board approval of the 79 hours. Florida does not certify any hours above what is required for that license in Florida. 1,200 hours is all that is required and that is all they will certify. She is asking the board with the certificate she has submitted to approve the additional hours to add to her cosmetology hours.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Muriel Smith to accept the 79 hours with the 1,200 hours to be transferred to a Tennessee Cosmetology School. Motion was carried unanimously.

A request from Elsie McBride for extension from her required attendance of the 2007 instructor seminar was presented to the board. Ms. McBride has submitted information that she has to attend a Fundamentals of Title IV Administration in August 13-17 in Atlanta, Ga. Ms. McBride is an instructor and manager at Mason's Academy of Cosmetology in Mason, Tennessee.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Muriel Smith to accept the request for extension and have Ms. McBride attend the 2008 & 2009 instructor seminars. Motion carried unanimously.

A new listing of Inspector's county assignments was in the board members packets for their information.

An updated list of inspectors and board members was provided to the board members.

A request for reciprocity of esthetician license from the State of California from Laura Gharibian was presented to the board. Ms. Gharibian obtained her license in California in 2004 and education is 600 hours of instruction in the esthetics

curriculum. She stated her work experience is working as a part owner of a skin care business from September 2005 to June 2006. No five year work history.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to have Ms. Gharibian return to school for an additional 150 hours and take and pass the examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for approval to take the cosmetology examination was presented AGAIN. The applicant has previously submitted an application for examination which was forged. This application was approved and the applicant took and passed the examination but the forgery was discovered by the school owner who contacted Ms. Waller before the license was issued. No license was issued. The board was presented with a letter from the school owner who stated the applicant has satisfied her financial obligation to the school. The board was also presented a letter from the applicant. Ms. Waller stated she needs the board decision as to how they would like to handle this.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Hazel Moore to deny this applicant a license in the State of Tennessee. Motion carried unanimously.

Legislation Request for 2008 legislative session was presented to the board members for their information.

A request for extension from her required attendance of the 2007 cosmetology instructor seminar for Tabatha Long due to husband deployment to Iraqi and her sole responsibility of two (2) young children. Attached are military orders showing her husbands deployment.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Judy Golden to approve the extension and have Ms. Long attend the instructor seminars in 2008 & 2009. Motion carried unanimously.

A request for extension from her required attendance of the 2007 cosmetology instructor seminar from Sara Kinion was presented to the board. Her letter states she has a new job and cannot take the time off since the salon is open for business on Mondays.

MOTION was made by Ms. Hazel Moore and seconded by Ms. June Huckeby to deny this request and have Ms. Waller write her a letter stating it is her obligation to attend the required seminars. Motion carried unanimously.

An application for new school of cosmetology for Paul Mitchell The School Memphis to be located 8000 US HWY 64, Suite 108, Bartlett, Tennessee. The board has an application for the new school, certificate of deposit for \$5,000 and twenty (20) completed enrollment agreements from students.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to have a board member inspect the school and allow the school to open if they are in compliance. Motion carried unanimously.

An application for reciprocity of esthetician license from Mississippi for Corena Williams was presented to the board. Certification states hours completed in the curriculum as 651 and initial license issued May 15, 2004 therefore no five year work history was submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. Hazel Moore to have Ms. Corena return to school for 99 hours and take and pass the examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of aesthetician license from Pennsylvania for Margaret Radek was presented to the board. Certification states hours in the curriculum as 300 and theory and practical examination. Initial license issued December 14, 2005 therefore no five year work history was submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. Hazel Moore to have Ms. Radek return to school for an additional 450 hours and take and pass the examination to become licensed in the State of Tennessee. Motion carried unanimously.

A request for extension from her required attendance of the 2007 cosmetology instructor seminar from Audrey Garcia Lulow due to severe sinus problems was submitted to the board. Ms. Lulow had doctor appointments on August 17 and Sept 6 for sleep study. Some of the medication she was recently prescribed makes her very sleepy. The seminar is August 12 and 13.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to grant the extension and have Ms. Lulow attend the 2008 & 2009 Instructor seminars. Motion carried unanimously.

Examination test development and examination review with PSI is scheduled. Ms. Waller informed the board that only one board member will be allowed to attend.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. June Huckleby that Chairman Linda Colley to attend the examination test development and examination review. Motion carried unanimously.

Consent orders totaled \$12,500.00.

Rainbow Nails
1418-G West Street
Lebanon, TN 37087

Violation issued April 24, 2007
Pd \$750.00 on 7-09-07

Collage
925 South Church St. A-500
Murfreesboro, TN 37130

Violation issued April 7, 2007
Pd \$500.00 on 6-8-07

Ultra Nails
1802 North Jackson Street, Suite 810
Tullahoma, TN 37388

Violation issued March 29, 2007
Pd \$750.00 on 6-13-07

VIP Nails
445 Hwy 46 South, Suite 13
Dickson, TN 37055

Violation issued June 14, 2006
Pd \$3,000.00 on 6-21-07

T Nail Salon
11129 Parkside Drive
Knoxville, TN 37922

Violation August 24, & Sept 16, 2005
Pd \$3,000.00 on 6-29-07

Tina's Nails
2128 B Ft. Campbell Blvd.
Clarksville, TN 37042

Violation issued May 17, 2007
Pd \$500.00 on 7-3-07

Millennium Nails, LLC
493 Old Hickory Blvd. #102
Brentwood, TN 37027

Violation issued May 24, 2007
Pd \$500.00 on 6-29-07

Glamour Nails
9408-G Apison Pike
Ooltewah, TN 37363

Violation issued March 28, 2007
Pd \$500.00 on 6-26-07

LaVergne Nails
5170 Murfreesboro Road
LaVergne, TN 37086

Violation issued May 4, 2007
Pd \$500.00 on 7-13-07

Salon deBelleza Jenny's
2924 Edge-Moor Drive
Nashville, TN 37217

Violation issued May 18, 2007
Pd \$1,000.00 on 7-18-07

Regal Nails
4424 Lebanon Pike
Hermitage, TN 37076

Violation issued April 18, 2007
Pd \$500.00 on 7-18-07

African Braid Actions
4045 American Way, Suite #10
Memphis, TN 38118

Violation issued October 29, 2003,
September 8, 2005, April 12, 2007.
Pd \$1,000.00 on 7/31/07

MOTION was made by Ms. Hazel Moore and seconded by Ms. Judy Golden to accept the consent orders. Motion carried unanimously.

STAFF ATTORNEY REPORT

1. Case No.: L07-COS-RBS-2007065341

June 8, 2007 Notice of Violation provides that the inspector observed an unlicensed individual practicing manicuring without a license. The unlicensed individual had no identification.

Prior complaints: None

Recommendation: Authorize formal hearing; \$500.00 civil penalty.

2. Case No.: L07-COS-RBS-2007065361

June 6, 2007 Notice of Violation provides that the inspector observed an unlicensed individual practicing cosmetology in an unlicensed shop.

Prior complaints: None

Recommendation: Authorize formal hearing; \$500.00 civil penalty.

3. Case No.: L07-COS-RBS-2007065371

June 16, 2007 Notice of Violation states that the inspector observed an unlicensed individual performing manicuring in Respondent nail shop.

Recommendation: Authorize formal hearing; \$500.00 civil penalty.

4. Case No.: L07-COS-RBS-2007065381

June 8, 2007 Notice of Violation provides that an unlicensed individual was practicing natural hair styling at the shop.

Violation for the same offense was issued on March 20, 2007. The Board authorized a Consent Order providing for a two thousand dollar (\$2,000.00) civil penalty. The Consent Order mailed to Respondent was returned this week with a forwarding address. A second attempt will be made.

Prior complaints:

2006 – paid \$1,000 for two complaints for unlicensed activity

Recommendation: Combine with prior complaint for Formal Hearing; \$2,000.00 Civil Penalty

5. Case No.: L06-COS-RBS-2006038121

In November 2006 the Board voted to ask Respondent to voluntarily surrender her cosmetology license after her insurance producers license was revoked. All attempts to contact Respondent have failed; her P.O. Box is closed and she has no forwarding address. Respondent's cosmetology license is current through August 31, 2007

Prior complaints: None

Recommendation: Close; re-open if Respondent renews license

6. Case No.: L07-COS-RBS-2007069061

July 13, 2007 Notice of Violation provides that inspector observed an unlicensed individual performing manicuring service at Respondent manicure shop.

Prior complaints: None

Recommendation: Authorize formal hearing; \$500.00 civil penalty.

7. Case No.: L07-COS-RBS-2007069071

June 29, 2007 Notice of Violation provides that owner of Respondent cosmetology shop was working with an expired cosmetology license; her license had expired February 28, 2007. Respondent stated that she did not receive her renewal notice

Prior complaints: None

Recommendation: Authorize formal hearing; \$250.00 civil penalty.

8. Case No.: L07-COS-RBS-2007065351

June 8, 2007 Notice of Violation states Respondent is operating a natural hair styling shop without a license.

Prior complaints: None

Recommendation: Cease & Desist Consent Order w/ Letter of Instruction

9. Case No.: L07-COS-RBS-2007069701

July 13, 2007 Notice of Violation states Respondent is operating a natural hair styling shop without a license.

Prior complaints: None

Recommendation: Cease & Desist Consent Order w/ Letter of Instruction

10. Case No.: L07-COS-RBS-2007069091

April 24, 2007 Notice of Violation provides that the inspector observed an unlicensed individual performing nail services. Shop owner confirmed the person's name and the Board office has no record that the person is licensed in Tennessee.

Prior complaints: None

Recommendation: Authorize formal hearing; \$500.00 civil penalty

11. Case No.: L07-COS-RBS-2007069701

July 12, 2007 Notice of Violation states Respondent is operating a natural hair styling shop without a license.

Prior complaints: None

Recommendation: Cease & Desist Consent Order w/ Letter of Instruction

12. Case No.: L07-COS-RBS-2007066171

Inspector states on June 22, 2007 Notice of Violation that she saw five (5) individuals working in Respondent manicure shop when she walked in, one of whom walked out the back door. The salon owner denied the existence of a fifth person.

Prior complaints: None.

Recommendation: Close with Letter of Warning

13. Case No.: L07-COS-RBS-2007063851

May 22, 2007 Notice of Violation states Respondent is operating a natural hair styling shop without a license.

Prior complaints: 2005 – Unlicensed shop - pending

Recommendation: Combine complaints; File Charges

14. Case No.: L07-COS-RBS-2007069671

July 10, 2007 Notice of Violation provides that the inspector observed an individual giving a pedicure who left when the inspector arrived. Respondent manicure shop owner mad her return to the shop; she produced a foreign identification and admitted that she had no license.

Prior complaints:

2003 – expired license - \$300 civil penalty

2004 – expired license, wax machine - \$600 civil penalty

2005 – unlicensed operator - \$1,000 civil penalty

2007 – unlicensed operator - \$2,000 civil penalty

Recommendation: Formal Hearing; \$1,000 civil penalty

15. Case No.: L07-COS-RBS-2007065961

June 22, 2007 Notice of Violation states that inspector witnessed an individual get up from a pedicure station and walk out the back door. Respondent manicure shop owner told inspector that she was a friend who had brought lunch and she was not working on a customer.

Prior complaints: 2001 – unlicensed operators - \$1,300 civil penalty

Recommendation: Close with Letter of Warning

16. Case No.: L07-COS-RBS-2007064711

Complaint alleges that Respondent cosmetology school owner is living in the school. The living quarters are located behind a door marked 'PRIVATE' but have no separate entrance. Respondent admitted that she stays there infrequently when she is at the school late. Respondent stated that she had gotten permission from the Board to add a separate entrance and had just gotten approval from the local Fire Marshal; Respondent submitted a new floor plan reflecting the change. Respondent has since changed her mind and will be using the room for student testing.

Prior complaints: None

Recommendation: Close with Letter of Warning

17. Case No.: L07-COS-RBS-2007069211

July 12, 2007 Notice of Violation states Respondent is operating a natural hair styling shop without a license.

Prior complaints: None

Recommendation: Combine with prior Complaint; \$1,000 civil penalty

18. Case No.: L07-COS-RBS-2007055601

19. Case No.: L07-COS-RBS-2007056791

Complaints allege that Respondent school owner is running a salon out of his school. As evidence, Complainant cites the fact that Respondent is charging “full price” for services. Complainant also alleges that students are allowed to work on the floor before completing the required number of hours; there is no evidence of this. Both complaints were filed by the same individual who has filed similar complaints in the past. The Board has conducted more than one investigation into this matter and has discovered no evidence supporting the allegations.

Prior complaints:

Recommendation: Dismiss

20. L07-COS-RBS-2007065951

June 13, 2007 Notice of Violation provides that the inspector found the following violations at the shop: dirty pedicure tubs, dirty floors, dirty files and buffers, and dirty work stations.

Prior complaints: 2003 – No I.D. - \$300 civil penalty

2004 – license copy - \$500 civil penalty

2006 – unlicensed operator - \$1000 civil penalty

Recommendation: Authorize formal hearing; \$500.00 civil penalty

21. Case No.: L07-COS-RBS-2007069691

July 18, 2007 Notice of Violation provides that inspector observed two unlicensed individuals performing manicuring services at Respondent manicure shop. Respondent shop owner told the unlicensed individuals to leave the shop.

Prior complaints: None

Recommendation: Authorize formal hearing; \$500 civil penalty

22. Case No.: L07-COS-RBS-2007065391

June 8, 2007 Notice of Violation provides that an unlicensed individual was practicing cosmetology. Respondent stated that he had passed the exam and sent his money but had not received his license yet. Respondent received his license on June 21, 2007.

Prior complaints: None

Recommendation: Close with Letter of Warning

23. Case No.: L07-COS-RBS-2007063841

June 5, 2007 Notice of Violation provides that an unlicensed individual was practicing manicuring at Respondent manicure shop. The inspector also observed a wax machine hot and ready for use.

Prior complaints: None

Recommendation: Authorize Formal Hearing; \$500 civil penalty

24. Case No.: L07-COS-RBS-2007069101

June 5, 2007 Notice of Violation provides that an unlicensed individual was practicing manicuring at Respondent manicure shop.

Prior complaints: None

Recommendation: Authorize Formal Hearing; \$500 civil penalty

25. Case No.: L07-COS-RBS-2007069681

June 13, 2007 Notice of Violation provides that an unlicensed individual was practicing manicuring at Respondent manicure shop.

*Prior complaints: 1997 – sanitation - \$300 civil penalty
2000 – unlicensed operators - \$2000 civil penalty*

Recommendation: Authorize Formal Hearing; \$1,000 civil penalty

26. Case No.: L07-COS-RBS-2007065941

June 19, 2007 Notice of Violation provides that the inspector found a photocopy of Respondent's license posted in a non-public area of the manicure shop.

Prior complaints: None

Recommendation: Close with Letter of Warning

27. Case No.: L07-COS-RBS-2007069081

June 22, 2007 Notice of Violation provides that an unlicensed individual was practicing manicuring at Respondent manicure shop.

Prior complaints: None

Recommendation: Authorize Formal Hearing; \$500 civil penalty

28. Case No.: L07-COS-RBS-2007065751

Complainant alleges that Respondent over-charged her for a hair piece and did not do a good job. Complainant also alleges that Respondent is operating a shop out of her home without a license. Respondent is licensed to operate a shop out of her home.

Prior complaints: None

Recommendation: Dismiss; refer to Consumer Affairs

29. Case No.: L06-COS-RBS-2006014051

The Board authorized a civil penalty of \$500.00 for a previous instance of unlicensed activity at her salon. While Respondent was paying the original civil penalty amount, the Board voted for a \$1,000.00 penalty on this instance of unlicensed activity (involving the same unlicensed individual). Respondent made payments of \$1,000.00 with the understanding that the total civil penalty amount was \$1,000.00. The Board inspector also told Respondent that the total civil penalty amount was \$1,000.00. Respondent asks that the Board accept payment of \$1,000.00 to satisfy both violations.

Prior complaints: None

Recommendation: Accept Consent Order and Close

30. Case No.: L06-COS-RBS-2006042441

Complainant enrolled in Respondent cosmetology school's nail technician program in September 2006. Complainant states that there was no manicure instructor and the three

nail tech students received minimal instruction from the cosmetology instructor in between her other classes. The students were assigned a junior instructor who was a hair stylist and had no experience with manicuring. Complainant states that 14 calendar days after enrollment she was asked to perform a pedicure on a client; she was asked not to tell her how long she had been in school. Complainant alleges that she was not given a copy of her contract to read before she signed it, therefore she did not know that she could not get a full refund when she decided to leave the school.

Our investigator interviewed three (3) current students who stated that they had never been asked to perform procedures if they did not have the necessary hours, nor had they witnessed any other student being asked to do so. Each student's file contained a signed contract; the cancellation and refund policy are stated on page five (5). The instructor who taught the Complainant is no longer associated with the school; however, Respondent states that she was an excellent instructor. The school currently has two (2) full-time instructors, one (1) junior instructor and the school owner is an instructor.

The investigator contacted Complainant who gave a sworn affidavit stating that she was asked to perform manicures and pedicures on customers prior to obtaining her required one hundred (100) hours. [Please note that a student is required to have two hundred (200) hours before performing services on the public.]

The investigator reviewed the calculation of Complainant's refund and found that it was accurate and consistent with the school's stated refund policy. The school received a one hundred (100) on its most recent inspection.

Prior complaints: None

Recommendation: Dismiss

31. Case No.: L06-COS-RBS-2006044591

Complainant, a graduate of Respondent cosmetology school, states that she attended the school to become an instructor but had to teach the classes because there were not enough instructors at the school. Complainant also states that the instructors were poorly educated. Complainant alleges that the school requires a student who has transferred or disenrolled to pay the full tuition amount. Four other individuals signed the complaint.

Our investigation revealed that all of the complainants successfully completed the curriculum at Respondent school. All of them gave the school good or excellent marks in their feedback evaluations indicating their satisfaction with the school. The investigator obtained sworn statements from three (3) current students who stated that they had not experienced or witnessed any of the circumstances outlined in the complaint. The current student to teacher ratio is eighteen to one (18:1). The Board inspector who accompanied the investigator gave the school a grade of ninety-eight (98).

Prior complaints: None

Recommendation: Dismiss

32. Case No.: L07-COS-RBS-2007060421

Individual has been impersonating a Board Inspector.

Prior complaints: None

Recommendation: Refer to Law Enforcement; Close

33. Case No.: L07-COS-RBS-2007066651

34. Case No.: L07-COS-RBS-2007070511

The Complainant alleges that the owner of Respondent cosmetology school is operating a salon out of her school after hours. The Board inspector has visited the school on several occasions after hours and has found no activity. He spoke to the school owner who stated that she had been at the school after hours on a few occasions but would be sure not to do so in the future.

Prior complaints: None

Recommendation: Close with Letter of Warning

35. Case No.: L07-COS-RBS-2007070481

Respondent had a small dog in her salon.

Prior complaints: None

Recommendation: Close with Letter of Instruction

36. Case No.: L07-COS-RBS-2007070491

July 12, 2007 Notice of Violation states that the inspector witnessed an unlicensed individual shampooing hair.

Prior complaints: None

Recommendation: Close with Letter of Warning

37. Case No.: L07-COS-RBS-2007070501

July 20, 2007 Notice of Violation provides that the owner of Respondent manicure shop refused to give the name of an individual who was working on a client but got up and left when the inspector arrived.

Prior complaints: 2005 – Unlicensed operator - \$500 civil penalty

Recommendation: Authorize Formal Hearing; \$500 civil penalty

38. Case No.: L07-COS-RBS-2007070721

July 24, 2007 Notice of Violation provides that an inspector observed an unlicensed individual providing cosmetology services in the shop. Inspector indicates that this same individual was found to have engaged in unlicensed conduct before. Individual attempted to apply for a license based on reciprocity, but the Board wanted him to go back to school and sit for the examination.

Prior complaints:

2004- \$500.00 civil penalty; unlicensed conduct

Recommendation: Authorize formal; \$1,000.00 civil penalty

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to approve the recommendations. Motion carried unanimously.

OTHER BUSINESS

Ms. Hazel Moore, Board Member informed the board that this would be her last meeting on the board. Ms. Moore thanked everyone and stated it indeed has been a pleasure to work with all of them. Ms. Moore stated that she has been on the board for 20 years and only missed one meeting. The board members thanked Ms. Moore for her time served on the board and stated she would be greatly missed by all.

No meeting will be held in September.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby to adjourn the meeting.